

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4806 of 2018

Date of Decision: 07.08.2018

Uday Veer

.....Petitioner

Vs.

K.K. Srivastava and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Radhe Shyam Sharma, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 31.07.2018, as per the report of the Registry, the Award of the MACT Yamuna Nagar, dated 02.09.2016, has been appealed against by the present petitioner himself (claimant before the Tribunal), by way of FAO No. 884 of 2017, which now stands adjourned to 16.10.2018.

Learned counsel for the petitioner submits that naturally the said appeal has been filed seeking enhancement of the compensation awarded by the Tribunal.

This petition is one challenging the order of the Tribunal dated 18.07.2018 (Annexure P-5), by which the amount as had been directed to be deposited in a nationalized bank by way of a Fixed Deposit, has been refused to be released to the petitioner.

It is seen that vide the Award of the Tribunal (Annexure P-2), Rs. 9,80,000/- was awarded by the Tribunal to the present petitioner (claimant before the Tribunal) on account of the injury sustained by him in an accident that

took place on 08.10.2011.

Out of the said amount, Rs. 3,00,000/- was ordered to be released to him in cash, with the remaining amount, i.e. obviously Rs. 6,80,000/-, directed to be deposited by way of a Fixed Deposit.

There being no appeal filed by the respondents in the claim petition, against the Award dated 02.09.2016, obviously there is no reason whatsoever to not release the remaining amount to the petitioner, who is stated to be an adult of about 28 years of age.

Consequently, this petition is allowed and the impugned order dated 18.07.2018 (Annexure P-5) is set aside. The petitioner is at liberty to withdraw the amount deposited by the respondents by way of compensation in a Fixed Deposit, in terms of the aforesaid Award of the Tribunal dated 02.09.2016.

Naturally, rates of interest as applicable would be seen by the bank itself.

August 07, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.